

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052286

06/18/2018

HONORABLE SUSAN M. BRNOVICH

CLERK OF THE COURT
K. Hartley
Deputy

STARLIGHT TRAIL HOMEOWNERS
ASSOCIATION

TROY B STRATMAN

v.

ACHRAF ELGAMAL

CHRISTOPHER D GRAHAM

MINUTE ENTRY

Northeast Courtroom 112

8:47 a.m. This is the time set for telephonic Status Conference. Appearing on behalf of the Plaintiff is counsel, Emily Mann for Troy B. Stratman. Appearing on behalf of the Defendant is counsel, Christopher D. Graham.

A record of the proceedings is made digitally in lieu of a court reporter.

Court and counsel discuss the status of the case and scheduling matters.

Counsel advises the Court that ADR was ordered in the Scheduling Order signed by the Court on December 13, 2017. The minute entry dated December 15, 2017, did not include an endorsement to ADR or the ADR language. This matter will be referred to ADR by separate minute entry.

IT IS ORDERED setting a **1-Day** Trial to the Court on **November 16, 2018 at 9:30 a.m.** before:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052286

06/18/2018

**THE HONORABLE JUDGE BRUCE COHEN
SUPERIOR COURT OF ARIZONA
NORTHEAST REGIONAL COURT CENTER
18380 NORTH 40TH STREET
COURTROOM 112
PHOENIX, ARIZONA 85032**

NOTE: Effective June 25, 2018, all cases assigned to the Honorable Susan Brnovich will be reassigned to the Honorable Bruce Cohen due to judicial calendar rotations. The Honorable Bruce Cohen will be located at the Northeast Regional Court, 18380 N. 40th St., Suite L, Phoenix, Arizona 85032.

THIS IS A FIRM TRIAL SETTING.

IT IS ORDERED that should any discovery disputes arise, prior to filing discovery motions, counsel shall MEET AND CONFER FACE TO FACE. If counsel are not able to resolve the dispute,

IT IS FURTHER ORDERED that any discovery motion must be accompanied by a Rule 37(2)(C) certification, to include that counsel have met face to face.

The proceedings will take place in the Superior Court's new "e-courtroom." A record of the proceedings will be made by FTR in lieu of a court reporter. With this new technology, a court reporter is not required and the parties are encouraged to experience the court's video recording system before requesting a court reporter. If a court reporter is required, the Court must receive a written request three (3) days prior to trial. Failure to timely request a court reporter will be deemed consent to proceed without a court reporter. Should you want an unofficial copy of the proceedings, the parties or counsel may request a CD of the proceedings for a \$30.00 charge. If a CD is requested, please obtain a form from the Self Center to request a daily copy of a court hearing or trial proceeding being conducted and pay the applicable fee. Should an official transcript be required, you may request that the court prepare it. The party ordering the transcript must pay for it.

If the parties are not familiar with the courtroom's technology, they are encouraged to set up an appointment with the court's technology liaison at 602.372.7876.

9:27 a.m. Matter concludes.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052286

06/18/2018

Based on the trial setting, the court sets the following deadlines and makes the following orders. The dates set forth in this order are firm dates and will not be extended or modified by this court absent good cause. Lack of preparation will not ordinarily be considered good cause.

Joint Pretrial Statement: The parties shall file with the court no later than **11:00 a.m. on November 9, 2018**, a **Joint Pretrial Statement**, signed by all counsel (and any self-represented party) and containing the following. **This order modifies the requirements of Ariz. R. Civ. P. 16(f).**

1. **List of Claims.** The Joint Pretrial Statement must contain a list of all claims or causes of action on which a verdict is sought by any party. Such list shall specify (1) the cause of action (e.g., breach of contract, negligence, etc.), (2) each party asserting that cause of action, and (3) each party against whom that cause of action is asserted.

2. **No List of Issues.** The requirements of Ariz. R. Civ. P. 16(f)(2)(A), (B) and (C) are waived. The parties need not prepare a list of stipulations, agreed contested issues or other issues considered material. Disputes over what issues are properly in the case will be decided under Rule 26.1. The parties may, if they wish, submit one or more separate stipulations regarding facts, evidence or other matters.

3. **Final Trial Witnesses.** The Joint Pretrial Statement must include an exhibit entitled Final Trial Witness List, which must list each witness a party expects to call at trial (in person or by deposition) and the day on which they expect to call that witness. If the court finds that a party unreasonably included witnesses not likely to be called at trial, it may consider appropriate sanctions.

4. **Trial Exhibits.** As required by Rule 16(f)(E), all trial exhibits must be listed in the Joint Pretrial Statement along with objections. The court typically resolves objections to exhibits at trial, but objections must be listed in the Joint Pretrial Statement to be preserved. If the court finds that a party unreasonably included exhibits not likely to be used at trial, it may consider appropriate sanctions.

5. **Deposition Designations.** Deposition designations and objections should not be included in the Joint Pretrial Statement, but must be submitted to the court three judicial days before the start of trial. The court will resolve deposition designations as follows. By 4:00 p.m. the day before a party plans to read deposition testimony, that party must provide the court a hard copy of the deposition transcript with (1) the portions to be read highlighted, (2) any counter-designations highlighted in a different color, and (3) any objections written in the margin. The court will rule on

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052286

06/18/2018

any objections by the next day. If the party plans to play a video deposition, the transcript must be provided by 4:00 p.m. two days before the deposition will be played.

6. **Other Matters.** The Joint Pretrial Statement must include the matters in Ariz. R. Civ. P. 16(f)(2)(H),(I) and (K-M).

The parties may submit proposed findings of fact and conclusions of law (if a request for findings of fact and conclusions of law has been or will be filed).

The parties are reminded to promptly notify the court of any settlement pursuant to Rule 5.3(d), Ariz.R.Civ.P.

TRIAL EXHIBITS

Counsel (and any self-represented party) **shall deliver all trial exhibits to the courtroom clerk (602-372-7726) no later than 11:00 a.m. on November 9, 2018.**

The parties shall present all exhibits to be used at trial, along with a written list of brief exhibit descriptions, to the clerk on the date referenced above unless other arrangements have been made with the clerk before that date. All exhibits will be clearly labeled by the parties to correspond with the list provided.

Exhibit procedures are as follows:

- Exhibits will be marked consecutively;
- Plaintiff's exhibits are marked first and then Defendant's exhibits;
- **The clerk cannot reserve numbers for exhibits that will be provided at a later date;**
- To avoid confusion during trial, it is essential that counsel avoid submitting duplicate exhibits;
- Letter designations such as 5A, 5B, etc. shall not be used;
- **Do not list "Any and all exhibits listed by";** and
- Depositions will not be marked as an exhibit. Original depositions to be used for impeachment purposes shall be provided to the clerk on the first day of trial/hearing to be hand-filed by the clerk.

*******If a party is submitting more than 100 exhibits, that party shall submit those exhibits in three-ring, tabbed binders.*******

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052286

06/18/2018

******Each multiple page exhibit must be securely fastened together by staple or other means. NO PAPERCLIPS may be used. If Acco fasteners are used they must be long enough to fasten securely.******

If counsel are submitting large charts, blow-ups or maps, please include a small version which can be marked as the exhibit and can go into the jury if in evidence. The blow-ups, charts and/or maps can be used as demonstrative but will not be marked as exhibits and will be returned to counsel.

For additional assistance in preparation of exhibits contact the courtroom clerk at 602-372-7726.

ATTACHED: SAMPLE FORMAT FOR TIME ESTIMATE FORM AND EXHIBIT PROCEDURES

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052286

06/18/2018

CAUSE NUMBER

CASE CAPTION

PLAINTIFF'S COUNSEL

DEFENDANT'S COUNSEL

(NOTE: Add additional lines as needed for additional parties and or witnesses.)

TIME ESTIMATES FOR TRIAL

Opening Statement and Closing Argument

PLAINTIFF'S OPENING STATEMENT	
DEFENDANT'S OPENING	
PLAINTIFF'S CLOSING	
DEFENDANT'S CLOSING	
PLAINTIFF'S REBUTTAL	

Estimate of Time for Witness Examination

PLAINTIFF'S WITNESSES	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION

Estimate of Time for Witness Examination

DEFENDANT'S WITNESSES	DIRECT EXAMINATION	CROSS EXAMINATION	REDIRECT EXAMINATION

The foregoing are based on the best estimates of counsel of the time reasonably needed to complete the necessary examination of the witnesses listed.

Counsel for Plaintiff

Counsel for Defendant

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052286

06/18/2018

GUIDELINES FOR COUNSEL WHEN PREPARING **EXHIBITS** FOR USE IN COURT

COUNSEL PLEASE READ

Exhibits are due to the Court not later than **11:00 a.m. on November 9, 2018.**

If Defendant's exhibits are received prior to Plaintiff's exhibits, the Clerk may mark them first with Plaintiff's exhibits following.

Exhibits will be marked consecutively, Plaintiff's exhibits are marked first and then Defendant's exhibits. **The clerk cannot reserve numbers for exhibits that will be provided at a later date.** To avoid confusion during trial, it is essential that counsel avoid submitting duplicate exhibits. *The clerk cannot reserve numbers for exhibits that will be provided at a later date.* Do not list "Any and all exhibits listed by" Depositions will not be marked as an exhibit. Original depositions to be used for impeachment purposes shall be provided to the clerk on the first day of trial/hearing to be hand-filed by the clerk.

*******If a party is submitting more than 100 exhibits, that party shall submit those exhibits in three-ring, tabbed binders.*******

******Each multiple page exhibit must be securely fastened together by staple or other means. NO PAPER CLIPS, OR RUBBER BANDS may be used. If Acco fasteners are used they must be long enough to fasten securely.******

Counsel are to provide a workable list of exhibits. The list should include a description of each exhibit. (See blank sample of an exhibit table below as a reference.) Do not put numbers on the exhibits; however, a colored sheet of paper with the exhibit number on it should be placed in front of each exhibit.

Exhibit Description Information:

The descriptions should be verifiable when viewing the first page of the exhibit.

Letter designations such as 5A, 5B, etc. shall not be used.

The Court will require a bench copy of exhibits. The exhibit numbers must match the numbers assigned by the clerk. Please submit the Court's copy of the exhibits numerically tabbed and in a three-ringed binder.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2017-052286

06/18/2018

If counsel are submitting large charts, blow-ups or maps, please include a small version which can be marked as the exhibit and can go into the jury if in evidence. The blow-ups, charts and/or maps can be used as demonstrative but will not be marked as exhibits and will be returned to counsel.

For additional assistance in preparation of exhibits contact the courtroom clerk at 602-372-7736.

Sample of List of Exhibits to be provided to the courtroom clerk:

		EXHIBIT LIST	
Exhibit No.	Identified By	Description	Legal Ground for Objection